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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Implement the Commission's Procurement Incentive Framework and to Examine the Integration of Greenhouse Gas Emissions Standards Into Procurement Policies.	)))))	R.06-04-009
In The Matter Of, AB 32 Implementation – Greenhouse Gas Emissions.	)))))	Docket 07-OIIP-01

REPLY COMMENTS OF SOUTHERN CALIFORNIA EDISON COMPANY (U 338-E) ON THE INTERIM OPINION ON REPORTING AND TRACKING OF GREENHOUSE GAS EMISSIONS IN THE ELECTRICITY SECTOR

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Pursuant to Rules 14.3 and 14.6 of the Rules of Practice and Procedure of the California Public Utilities Commission ("CPUC"), Southern California Edison Company ("SCE") submits these comments in response to issues raised by parties responding to the proposed decision, *Interim Opinion on Reporting and Tracking of Greenhouse Gas Emissions in the Electricity Sector*, issued on August 15, 2007 ("PD"). In addition to the changes suggested by SCE in its opening comments, SCE urges the CPUC to consider the revisions suggested herein, which address the complexity of the PD's protocols regarding "null power" and recognize the actual emissions of resources used to "firm" intermittent renewable resources and substitute power.

I.

THE PD'S PROPOSED TREATMENT OF "NULL POWER" INCREASES THE COMPLEXITY OF THE REPORTING PROTOCOLS AND IMPLEMENTATION OF ASSEMBLY BILL 32

The Sacramento Municipal Utility District ("SMUD") endorses the PD's proposed treatment of "null power" associated with renewable energy production that has been "stripped" of its renewable attributes.[1] As set forth in the PD, "null power" will be accounted for by a "geographic emissions factor." Because the best available emissions information for "null power" is known, there is no reason for assigning an arbitrary geographic emissions factor to "null power." SMUD's agreement with the PD ignores this as well as the increased complexity created by the proposed protocol.

To avoid the arbitrariness of a "geographic emissions factor" and the complexity of the proposed protocol, the CPUC should unbundle Renewable Energy Credits ("RECs") without modifying the greenhouse gas ("GHG") emissions of the renewable generation. It should also refuse to develop an environmental attribute that accompanies the REC and captures a lack of emissions from renewable resources.

The simplest way to handle unbundled RECs is to recognize that "null power" no longer carries a renewable attribute, and is thus "null" from the perspective of renewable attributes. The protocol should not, as SMUD suggests and the PD endorses, create an attribute to assign to the REC and then attribute emissions to energy produced without these emissions. As described below, such a proposal unnecessarily complicates the market.

The proposed protocol complicates the market because it requires that the REC—created when a renewable generator unbundles and sells such a REC separately from the energy—embody a GHG offset value equal to the default geographic emissions factor proposed by the PD

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[1] *Sacramento Municipal Utility District's Comments on the Proposed Reporting and Tracking Protocol*, filed August 24, 2007 ("SMUD Comments"), at 9.

for the remaining "null power." Under this approach, a REC buyer and an energy buyer can be separate entities, however, the sum total of GHG attributes for the "null power" and the GHG offset value of the REC must be zero. Any other approach (*e.g.*, one that does not allow the REC to offset GHG emissions even when the "null power" is attributed a geographical default emissions factor), will artificially add GHG emissions to the overall inventory, a situation that is contrary to the intent of Assembly Bill ("AB") 32.

Nevertheless, if the CPUC allows RECs to act as offsets equivalent to the GHG emissions attributed to the "null power"—with the "null power" then representing a separate GHG obligation based on a default geographic emissions factor when such "null power" is sold or consumed on site—the approach exponentially complicates any reporting and tracking program designed to implement AB 32. For example, entities will separately need to track whether the RECs associated with power produced by a renewable generator have been sold. This step will expand the reporting burden imposed by the PD to those entities who produce renewable power for on-site consumption. It may also complicate the GHG attribution of power produced in California for export.

Additionally, since the same REC will be used for compliance with the CPUC's renewable portfolio standard ("RPS") requirement as well as for the California Air Resource Board's GHG reduction requirement, it is unclear how a reporting and tracking mechanism can be developed that will allow entities who purchase RECs to report and retire them separately, at two different venues, under two different sets of regulatory requirements. Using the same REC for these separate requirements also creates additional complications if the REC buyer only needs the REC for one of the compliance requirements (*e.g.*, RPS requirement) and wants to sell the other attribute (*e.g.*, GHG offset value) to some other entity in order to monetize the entire value of the REC. Such secondary unbundled REC sales will result in additional complications for GHG reporting and tracking.

Notably, the issue of null power is much more complicated under a load-based approach to a cap-and-trade system, where the retail provider has the GHG compliance obligation and is

accountable for the GHG associated with the power it generates or purchases, as well as the RPS compliance obligation. Under the First Seller approach, the issue of "null power" is easier to address. Since the point of regulation in such a program is the first seller, and since the RECs are purchased by retail providers for RPS compliance only (and not for GHG compliance), it is conceivable to let the renewable generator (*i.e.*, first seller) retain its inherent GHG profile even after the RECs are unbundled and sold. In other words, the REC seller, who is also the point of regulation for GHG compliance, will not sell the GHG attribute via the REC. As a result "null power" is not created from a GHG perspective. The first seller renewable generator will have the AB 32 compliance obligation for its energy output based on its actual underlying GHG footprint, and there is no need to assign a default geographic emissions factor to this energy.

II.

FIRMING POWER FROM RENEWABLES AND SUBSTITUTE POWER SHOULD BE ATTRIBUTED ACTUAL EMISSIONS RATES

Various parties assert that the emissions characteristics of renewable resources should not be attributed to firming power, which backs up such renewable resources.[2] SCE agrees. In addition to the reason provided by DRA for rejecting such a rule,[3] SCE urges the CPUC to reject the rule because it could lead to different emissions reporting for firming power based on the type of contract a load-serving entity ("LSE") has with a counterparty.

Each LSE must structure its portfolio in a manner that assures sufficient energy is available to serve its load in all hours of the year. An LSE that fails to do so can be subjected to unreasonable exposure to price volatility and potential reliability considerations. For these reasons, LSEs that procure renewable resources (or any resource that is subject to unanticipated outages) must appropriately plan for such events. Some LSEs do this by contracting with a

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[2] *See Comments Of The Division Of Ratepayer Advocates On The Proposed Interim Opinion On Reporting And Tracking of Greenhouse Gas Emissions in the Electricity Sector*, filed August 24, 2007 ("DRA Comments"), at 2-3.

[3] DRA Comments at 3.

counterparty that can provide both the primary and an alternative supply (so called "firming" power) in the event that its primary resource is not available (due to intermittency of the resource or outage, ramping, start-up, etc. of the primary unit).[4] Other LSEs contract with multiple counterparties to obtain a resource mix, which provides various options in the event that an intermittent resource become unavailable or should a unit experience an outage.

As various parties recognize, the PD will treat these means of accomplishing the same goal differently with respect to GHG emissions.[5] If a firming contract exists, then the GHG of the alternative supply would be counted at the unit specific GHG profile of the primary source (*i.e.*, if the contract was for a wind resource, but was firmed by a gas fired plant, the operation of the gas fired plant would result in the GHG profile of the wind generator). If on the other hand, the LSE has developed a portfolio that is sufficiently diverse, but does not contain a firming contract, the same scenario will result in the attribution of GHG emissions based upon the profile of the resource that actually operates.

The CPUC has not asserted any reason for the inequitable treatment of such resources. This omission is significant because the rule will lead to disparate treatment of similarly situated LSEs, rendering some ratepayers more adversely affected than others under the same CPUC rules. For this reason, the CPUC should impose reporting requirements for firming power that are based, to the greatest extent possible, on actual emissions rates.

In the event the CPUC does not require reporting of emissions based on actual unit output, regardless of whether such production was pursuant to a firming contract, then the CPUC must put reasonable limits in place for such firming services. The PD suggests limiting one form of "firming" (*i.e.*, substitute power) to "15% of the forecasted energy production of the specified

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[4] While "firming" contracts typically allow the firming of intermittent renewable resources with dispatchable thermal resources, contracts may also "firm" one thermal resource with a different resource to provide energy during unanticipated outages, ramping, start-up, etc. The latter, a form of "firming," is referred to as "substitute" energy by the PD.

[5] *See* PD at 22-23; *Comments of San Diego Gas & Electric Company and Southern California Gas Company on Proposed Interim Opinion on Reporting and Tracking of Greenhouse Gas Emissions in the Electricity Sector*, filed August 24, 2007, at 5-6.

power plant over the term of the contract, provided that the contract only permits the seller to purchase system energy for substitute power."[6] Additionally firming for renewable resources is limited to "the total expected contracted-for output of the specified renewable power plant for the life of the contract."[7] Neither of these limits is meaningful to the issue of accurate accounting for California's GHG purposes.

For example, an entity could sign a contract with a wind resource with an average capacity factor of 35% while the contract allows firming up to a capacity factor of 65%. In this case, 30% of the output from this contract would come from resources whose GHG emissions are not equal to the emissions from a wind generator. If, for example, an entity contracted with a 100 MW wind resource, and if the firming resource was California system power, this could result in an understatement of CO_2 emissions in excess of 125,000 metric tons per year (100 MW x 30% X 8,760 hours/year x (1,075 Lbs/MW ÷ 2,000 Lbs/Ton) x .9072 (conversion factor from short tons to metric tons). Similarly, substitute power is limited to 15% of the forecasted energy. However, there is no restriction on the amount of "forecasted energy." If such incentives were widely exploited, the impact of unaccounted for GHG could be significant. For this reason, the CPUC must revise its protocols regarding limits on "firming" resources.

III.

CONCLUSION

For the reasons set forth above and in SCE's opening comments on the PD, SCE urges the CPUC to revise the PD in a manner that:

- Applies the "Marketer Reporting Protocol" to all purchasing/selling entities and not just to "marketers";
- Allows for reevaluation of the protocols once the approach to GHG regulation has been determined;

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6 *See* PD at 23
7 *See* PD at 22

- Recognizes that default emissions factors should not be used for any purchases from specified sources;
- Accounts for purchases and sales caused by the CAISO, but attributed to reporting entities;
- Reject the PD's provisions regarding the treatment of "null power"; and
- Attribute actual emissions rates for resources used to "firm" renewables and substitute power.

Respectfully submitted,

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August 30, 2007

CERTIFICATE OF SERVICE

I hereby certify that, pursuant to the Commissioner's Rules of Practice and Procedure, I have this day served a true copy of Reply Comments of Southern California Edison Company (U 338-E) on the Interim Opinion on Reporting and Tracking of Greenhouse Gas Emissions in the Electricity Sector on all parties identified in the attached service list(s).

Transmitting the copies via e-mail to all parties who have provided an e-mail address. First class mail will be used if electronic service cannot be effectuated.

Executed this **30th day of August, 2007**, at Rosemead, California.

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